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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/960,071	10/13/92	DEAN ENGELHARDT, ET AL.	ENZ-5 (D5) (C)

ENZO DIAGNOSTICS, INC.
C/O ENZO BOCHEM, INC.
60 EXECUTIVE BLVD.
FARMINGDALE, NY 11735

FILED NO. ENZ-5 (D5) (C)
DOCKETED FOR 12/19/92 BY B/L/RCA
c/o ENZO BIOCHEM, INC.
60 EXECUTIVE BOULEVARD, FARMINGDALE, NY 11735

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED **4 NOV 1992**

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 308-3312.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

EXHIBIT A

IN UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dean Engelhardt et al.)
Serial No.: 07/954,772)
Filed: September 30, 1992)
Title: HYBRIDIZATION ASSAY METHOD)
(As Amended)

Group Art Unit: 1807

Examiner: Not Yet Known

Parent Serial No. 07/548,348
Filed on July 2, 1990

November 9, 1992
New York, New York

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Attention: LICENSING AND REVIEW

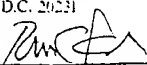
COMMUNICATION DIRECTED TO
OCTOBER 19, 1992 ATOMIC ENERGY NOTICE

Dear Sirs:

This Communication is directed to the Atomic Energy Notice that was issued on October 19, 1992 (copy attached) in connection with the above-identified application. A response to the October 19, 1992 Notice is due December 3, 1992.

Applicants' undersigned attorney wishes to bring to the attention of Licensing and Review that an Atomic Energy Notice was also issued on July 19, 1990 in connection with the parent application, U.S. Application Serial No. 07/548,348, filed on July 2, 1990.

Enz-5 (D8) (C)

<u>FIRST CLASS CERTIFICATE</u>	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks Washington, D.C. 20231	
 Ronald C. Fedus Reg. No. 32,567	Nov 9, 1992 Date

Dean Engelhardt et al.

Serial No. 07/954,772

Filed: September 30, 1992

Page 2 (Communication Directed to October 19, 1992 Atomic Energy
Notice - November 9, 1992)

On August 21, 1990, Applicants responded to the July 2, 1990 Notice with appropriate declarations signed and dated by all of the named inventors. A copy Applicants' August 21, 1990 response, including a copy of the July 2, 1990 Notice is attached to this Communication as Exhibit A.

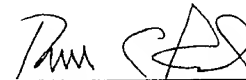
It is the understanding of the undersigned, based upon a recent telephone conversation with Licensing and Review, that the submission of a copy of the previous response filed in the parent application (Serial No. 07/548,348) is a sufficient response to the Atomic Energy Notice, and that Applicants need not take any further action therewith.

No fee is due in connection with this Communication. If any fee or fees are due, however, The U.S. Patent and Trademark Office is hereby authorized to charge the amount of any such fee(s) to Deposit Account No. 05-1135, and to credit any overpayment thereto.

Respectfully submitted,

November 9, 1992

Date



Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
60 Executive Boulevard
Farmingdale, New York 11735
(212) 856-0876

Enz-5 (D8) (C)



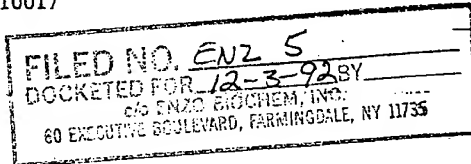
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/954,772	9/30/92	DEAN, ENGELHARD, ET AL.	ENZ-5

RONALD C. FEDUS
PATENT COUNSEL
ENZO BIOCHEM, INC.
575 FIFTH AVE. (18TH FL.)
NEW YORK, NY 10017

RONALD C. FEDUS



EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED: 10/19/92

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency (ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6):

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 308-3312.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

EXHIBIT B



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED
AUG 31 1990

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/567,039	08/13/90	DEAN L. ENGELHARDT, ET AL.	S.I. MOSOFF Enz-5 (Div. 7)

Serle I. Mosoff, Esq.
Enzo Biochem, Inc.
345 Hudson Street
New York, NY 10014

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED: Aug 28, 1990

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

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Any questions regarding this requirement should be directed to Licensing and Review at (703) 557-3011.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567,039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and
Utilizing and Compositions Containing The Same

September 25, 1990
New York, New York

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attention: Special Laws Administration Group
Licensing and Review

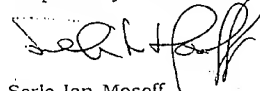
COMMUNICATION

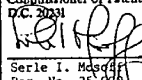
Sir:

This is in response to the Official Notice (Form PTOL 456) dated July 19, 1990 (a copy of which is attached hereto). The Notice requires the filing of a declaration by the applicants. Dean L. Engelhardt, Elazar Rabbani, Stanley Kline, Jannis G. Stavrianopoulos and Dollie Kurtikar because the subject matter of the captioned application "appears to be 'useful in the production or utilization of special nuclear material or atomic energy' as recited in 42 U.S.C. 2182 (Department of Energy (DOE))".

Appended are the applicants' declarations fully satisfying the requirements set forth in the Official Notice.

Respectfully submitted,


Serle Ian Mosoff
Attorney for Applicants
Registration No. 25,900

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents & Trademarks Washington, D.C. 20231	
	9-25-90
Serle I. Mosoff Reg. No. 25,900	Date

Enz-5 (Div. 7)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567,039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and
Utilizing and Compositions Containing The Same

September 25, 1990
New York, New York

APPLICANT DEAN L. ENGELHARDT'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dean L. Engelhardt, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 7)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sept. 19, 1950
Date

Dean L. Engelhardt
Dean L. Engelhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567,039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and
Utilizing and Compositions Containing The Same

September 25, 1990
New York, New York

APPLICANT ELAZAR RABBANI'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Elazar Rabbani, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 7)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Sept. 19 1990
Date


Elazar Rabbani

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567,039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing The Same

September 25, 1990
New York, New York

APPLICANT JANNIS G. STAVRIANOPOULOS'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Jannis G. Stavrianopoulos, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

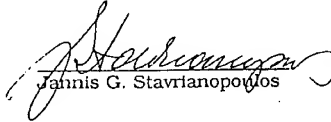
5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

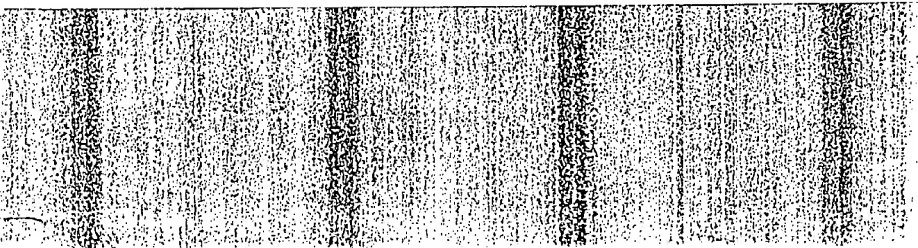
Enz-5 (Div. 7)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/20/90
Date


Jannis G. Stavrianopoulos



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567,039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing The Same

September 25, 1990
New York, New York

APPLICANT DOLLIE KIRTIKAR'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dollie Kirtikar, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 7)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/20/90
Date

Dollie Kirukar
Dollie Kirukar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 567, 039

Art Unit:

Filed: August 13, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 7)

Title: Modified Nucleotides, Methods of Preparing and
Utilizing and Compositions Containing The Same

September 14, 1990
New York, New York

APPLICANT STANLEY KLINE'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Stanley Kline, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

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Enz-5 (Div. 7)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

9/20/90
Date

Stanley Kline
Stanley Kline

RECEIVED

OCT 03 1990

ELAINE P. BRENNER

SLB
10/3/90

Please date stamp and return to addressee.

APPLICANT: Dean L. Engelhardt, et al.

☐ Express Mail Label No.

TITLE: Modified Nucleotides, Methods
of Preparing and Utilizing and
Compositions Containing the Same.

☒ First Class Mailing Date

September 25, 1990

ENCLOSED ARE:

- ☐ Application
☐ Declaration
☐ Drawings
☐ Assignment
☐ Response to OA
☐ Amendment
☐ Issue Fee
☒ Other (see below)

☒ Communication

☒ AEC Declaration and Form PTOL 456

Serial No. 567,039

Docket No. Enz-5 (Div. 7)

RECEIVED

OCT 03 1990

COMM & REVIEW

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing
and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attention: Special Laws Administration Group
Licensing and Review

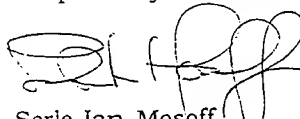
COMMUNICATION

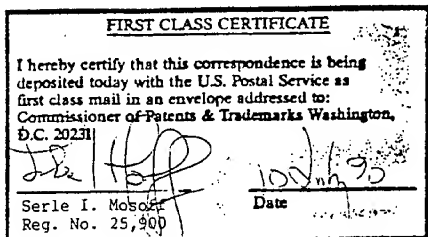
Sir:

This is in response to the Official Notice (Form PTOL 456) dated June 15, 1990 (a copy of which is attached hereto). The Notice requires the filing of a declaration by the applicants, Dean L. Engelhardt, Elazar Rabbani, Stanley Kline, Jannis G. Stavrianopoulos and Dollie Kirtikar because the subject matter of the captioned application "appears to be 'useful in the production or utilization of special nuclear material or atomic energy' as recited in 42 U.S.C. 2182 (Department of Energy (DOE))".

Appended are the applicants' declarations fully satisfying the requirements set forth in the Official Notice.

Respectfully submitted,


Serle Ian Mosoff
Reg. No. 25,900



Enz-5 (Div. 6)

RECEIVED

JUN 20 1990

S. I. MOSOFF


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/532,461	05/31/90	DEAN L. ENGELHARDT, ET AL.	Enz-5(Div. 6)

Serle Ian Mosoff
Enzo Biochem, Inc.
345 Hudson Street
New York, NY 10014

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED: June 15, 1990

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 557-3011.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

**APPLICANT DEAN L. ENGELHARDT'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Dean L. Engelhardt, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 6)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 25, 1990
Date

Dean L. Engelhardt
Dean L. Engelhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990

New York, New York

**APPLICANT ELAZAR RABBANI'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Elazar Rabbani, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 6)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

JUN 25 1950
Date


Elazar Rabbani

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing and
Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

**APPLICANT JANNIS G. STAVRIANOPOULOS'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Jannis G. Stavrianopoulos, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

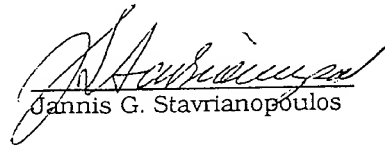
5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 6)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date


Jannis G. Stavrianopoulos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT DOLLIE KIRTIKAR'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dollie Kirtikar, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 6)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date

Dollie Kirtikar
Dollie Kirtikar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,461

Art Unit:

Filed: May 31, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 6)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT STANLEY KLINE'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Stanley Kline, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 6)

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7/15/90
Date

Stanley G. Kline
Stanley Kline

EXHIBIT D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Att. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing
and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attention: Special Laws Administration Group
Licensing and Review

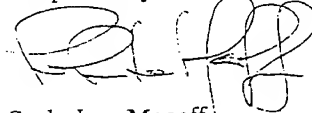
COMMUNICATION

Sir:

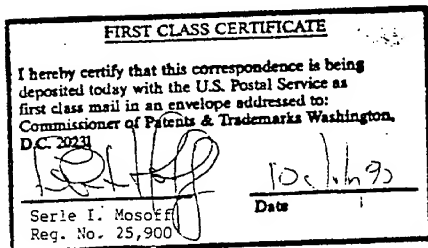
This is in response to the Official Notice (Form PTOL 456) dated June 15, 1990 (a copy of which is attached hereto). The Notice requires the filing of a declaration by the applicants, Dean L. Engelhardt, Elazar Rabbani, Stanley Kline, Jannis G. Stavrianopoulos and Dollie Kirtikar because the subject matter of the captioned application "appears to be 'useful in the production or utilization of special nuclear material or atomic energy' as recited in 42 U.S.C. 2182 (Department of Energy (DOE))".

Appended are the applicants' declarations fully satisfying the requirements set forth in the Official Notice.

Respectfully submitted,



Serle Ian Mosoff
Reg. No. 25,900



Enz-5 (Div. 5)

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JUN 19 1990


**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

S. I. MOSOFF

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/531,953	06/01/90	DEAN L. ENGELHARDT, ET AL. Q	Enz-5(Div.5)

Serle I. Mosoff, Corporate Counsel
Enzo Biochem, Inc.
345 Hudson Street
New York, NY 10014

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED: June 15, 1990

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☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

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Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

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**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT DEAN L. ENGELHARDT'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dean L. Engelhardt, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 5)

*OK to send
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'benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 25, 1980
Date

Dean L. Engelhardt
Dean L. Engelhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT ELAZAR RABBANI'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Elazar Rabbani, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

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5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 5)

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benefit of the United States Atomic Energy Commission, or its United States A. successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment; or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

JUN 25 1956
Date


Elazar Rabbani

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT DOLLIE KIRTIKAR'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dollie Kirtikar, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

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5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the:

Enz-5 (Div. 5)

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benefit of the United States Atomic Energy Commission, for its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date

Mollie Kirtikar
Dollie Kirtikar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT JANNIS G. STAVRIANOPOULOS'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Jannis G. Stavrianopoulos, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

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5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the.

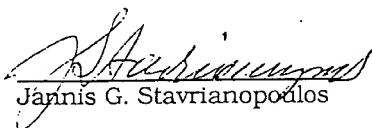
Enz-5 (Div. 5)

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cover letter
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6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date


Jannis G. Stavrianopoulos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 531,953

Art Unit:

Filed: June 1, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 5)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT STANLEY KLINE'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Stanley Kline, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

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Enz-5 (Div. 5)

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7/6/98
Date

Stanley Kline
Stanley Kline

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JUL 19 1990

S.I. MOSOFF

EPD 7/19/90
SIM FYJ

Please date stamp and return to addressee.

APPLICANT: Dean L. Engelhardt, et al.

☐ Express Mail Label No.

TITLE: Modified Nucleotides, Methods of
Preparing and Utilizing and Compositions
Containing the Same.

☒ First Class Mailing Date
July 10, 1990

ENCLOSED ARE:

- ☐ Application
- ☐ Declaration
- ☐ Drawings
- ☐ Assignment
- ☐ Response to OA
- ☐ Amendment
- ☐ Issue Fee
- ☒ Other (see below)

☒ Communication

☒ AEC Declaration and Form PTOL 436

RECEIVED

JUL 13 1990

LICENSING & REVIEW

Serial No. 531,953

Docket No. Enz-5 D.5

EXHIBIT E

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing
and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Attention: Special Laws Administration Group
Licensing and Review

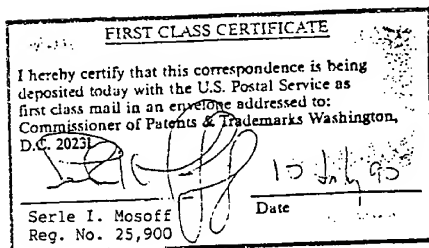
COMMUNICATION

Sir:

This is in response to the Official Notice (Form PTOL 456) dated June 15, 1990 (a copy of which is attached hereto). The Notice requires the filing of a declaration by the applicants, Dean L. Engelhardt, Elazar Rabbani, Stanley Kline, Jannis G. Stavrianopoulos and Dollie Kirtikar because the subject matter of the captioned application "appears to be 'useful in the production or utilization of special nuclear material or atomic energy' as recited in 42 U.S.C. 2182 (Department of Energy (DOE))".

Appended are the applicants' declarations fully satisfying the requirements set forth in the Official Notice.

Respectfully submitted,



Serle Ian Mosoff
Reg. No. 25,900

Enz-5 (Div. 4)

RECEIVED

JUN 20 1990



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

S.I. MOSOFF

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
07/532,704	06/04/90	DEAN L. ENGELHARDT, ET AL.	Enz-5 (Div.4)

Serle I. Mosoff
Corporate Counsel
Enzo Biochem, Inc.
345 Hudson Street
New York, NY 10014

EXAMINER	
ART UNIT	PAPER NUMBER
	2

DATE MAILED: June 15, 1990

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 557-3011.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT DEAN L. ENGELHARDT'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Dean L. Engelhardt, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 4)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 21, 1970
Date

Dean Engelhardt
Dean L. Engelhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT ELAZAR RABBANI'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Elazar Rabbani, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 4)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

JUN 25 1990
Date


Elazar Rabbani

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT DOLLIE KIRTIKAR'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 [42 U.S.C. 2182]

I, Dollie Kirtikar, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 4)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date

Dollie Kirtikar
Dollie Kirtikar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT JANNIS G. STAVRIANOPOULOS'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Jannis G. Stavrianopoulos, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

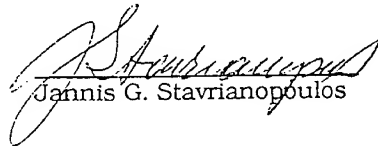
5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 4)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

6/21/90
Date


Jannis G. Stavrianopoulos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Dean L. Engelhardt, et al.

Serial No.: 532,704

Art Unit:

Filed: June 4, 1990

Examiner:

Atty. Docket No.: Enz-5 (Div. 4)

Title: Modified Nucleotides, Methods of Preparing and Utilizing and Compositions Containing the Same

July 10, 1990
New York, New York

APPLICANT STANLEY KLINE'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)

I, Stanley Kline, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application employed by Enzo Biochem, Inc., the assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York, NY.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the

Enz-5 (Div. 4)

benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/6/71
Date

Stanley G Kline
Stanley Kline

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JUL 19 1990

S. I. MOSOFF

SPB 21119
SIA FLY

Please date stamp and return to addressee.

APPLICANT: Dean L. Engelhardt, et al.

☐ Express Mail Label No.

TITLE: Modified Nucleotides, Methods of
Preparing and Utilizing and Compositions
Containing the Same.

☒ First Class Mailing Date
July 10, 1990

ENCLOSED ARE:

- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Application | <input type="checkbox"/> Response to OA |
| <input type="checkbox"/> Declaration | <input type="checkbox"/> Amendment |
| <input type="checkbox"/> Drawings | <input type="checkbox"/> Issue Fee |
| <input type="checkbox"/> Assignment | <input checked="" type="checkbox"/> Other (see below) |

- ☒ Communication
- ☒ AEC Declaration and Form PTOL 456
- ☐

RECEIVED

JUL 13 1990

CENSING & REVIEW

Serial No. 532,704

Docket No. Enz-5 D.4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 07/960,071

Art Unit: 1812

Filed: October 13 1992

Examiner: Not Yet Known

Atty. Docket No.: ENZ-5 (D5)(C)

Title: SUGAR MOIETY LABELED NUCLEOTIDES

**APPLICANT DEAN ENGELHARDT'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Dean Engelhardt, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the predecessor assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York City.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

Enz-5(D5)(C)

Applicant Dean Engelhardt
Serial No. 07/960,071
Filed: October 13 1992
Atomic Energy Declaration - Page 2

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/20/85

(Date)

Dean Engelhardt

Dean Engelhardt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 07/960,071

Art Unit: 1812

Filed: October 13, 1992

Examiner: Not Yet Known

Atty. Docket No.: ENZ-5 (D5)(C)

Title: SUGAR MOIETY LABELED NUCLEOTIDES

**APPLICANT ELAZAR RABBANI'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Elazar Rabbani, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the predecessor assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York City.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

Enz-5(D5)(C)

Applicant Elazar Rabbani
Serial No. 07/960,071
Filed: October 13, 1992
Atomic Energy Declaration - Page 2

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

APR 22 1993
(Date)


Elazar Rabbani

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 07/960,071

Art Unit: 1812

Filed: October 13, 1992

Examiner: Not Yet Known

Atty. Docket No.: ENZ-5 (D5)(C)

Title: SUGAR MOIETY LABELED NUCLEOTIDES

**APPLICANT STANLEY KLINE'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Stanley Kline, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the predecessor assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York City.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

Enz-5(D5)(C)

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/21/93

(Date)

Stanley Kline

Stanley Kline

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 07/960,071

Art Unit: 1812

Filed: October 13, 1992

Examiner: Not Yet Known

Atty. Docket No.: ENZ-5 (D5)(C)

Title: SUGAR MOIETY LABELED NUCLEOTIDES

**APPLICANT JANNIS G. STAVRIANOPOULOS' DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Jannis G. Stavrianopoulos, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the predecessor assignee of this patent application.

OK
H
3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York City.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

Enz-5(D5)(C)

Applicant Jannis G. Stavrianopoulos
Serial No. 07/960,071
Filed: October 13 1992
Atomic Energy Declaration - Page 2

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/22/93
(Date)

Jannis G. Stavrianopoulos
Jannis G. Stavrianopoulos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 07/960,071

Art Unit: 1812

Filed: October 13, 1992

Examiner: Not Yet Known

Atty. Docket No.: ENZ-5 (D5)(C)

Title: SUGAR MOIETY LABELED NUCLEOTIDES

**APPLICANT DOLLIE KIRTIKAR'S DECLARATION
UNDER SECTION 152 OF THE ATOMIC ENERGY ACT
OF 1954 (42 U.S.C. 2182)**

I, Dollie Kirtikar, hereby declare that:

1. I am the applicant named in the above-identified patent application and an inventor of the composition and methods disclosed and claimed therein.

2. I was, at the time of the filing of the captioned application, employed by Enzo Biochem, Inc., the predecessor assignee of this patent application.

3. As part of my work for Enzo Biochem, Inc., I have carried out research activities directed toward radioactive labeling of diagnostic and therapeutic agents that can be used in medical diagnosis and treatment.

4. I conceived of and made the invention, disclosed and claimed in this patent application, in the course of carrying out such research activities at Enzo Biochem facilities in New York City.

5. The invention described and claimed in this patent application was not made or conceived in the course of or under any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission, or its successors, the United States Energy Research and Development Administration or the United States Department of Energy.

Enz-5(D5)(C)

Applicant Dollie Kirtikar
Serial No. 07/960,071
Filed: October 13, 1992
Atomic Energy Declaration - Page 2

6. I declare further that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4/22/93

(Date)

Dollie Kirtikar

Dollie Kirtikar